

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CRAIG PETTIT,

Plaintiff,

vs.

BRUNSWICK CORPORATION,

Defendant.

2:12-cv-01255-RCJ-VCF

ORDER

**(Motion For Leave to Amend Answer to Assert
Third Party Complaint #16)**

Before the court is defendant Brunswick Corporation's Motion For Leave to Amend Answer to Assert Third Party Complaint. (#16). Plaintiff Craig Pettit filed a Non-Opposition. (#17).

A. Background

Defendant removed the action to this court on July 16, 2012, based on diversity of citizenship pursuant to 28 U.S.C. § 1332. (#4). Plaintiff's complaint asserts claims for (1) strict products liability, (2) negligence, (3) breach of express and implied warranties, and (4) alter ego liability against defendants Brunswick and Sea Ray of Knoxville, LLC relating to an incident where a ladder attached to a boat manufactured by defendant Brunswick injured plaintiff's finger. (#4 Exhibit A). On July 30, 2012, defendant filed its answer to the complaint, asserting twenty-four affirmative defenses. (#9). The parties filed a proposed discovery plan and scheduling order on August 29, 2012 (#12), which the court signed on August 31, 2012 (#13). The parties filed a stipulation for dismissal of defendant Sea Ray of Knoxville, LLC (#14), and the court signed the same on October 9, 2012 (#15). Defendant Brunswick filed the instant motion to amend on December 3, 2012. (#16).

B. Motion to Amend Answer

Defendant asks this court for leave to file an amended answer to assert a third-party complaint against GG Schmitt & Sons, Inc. for contribution and indemnity. (#16). Pursuant to Local Rule 15-1, defendant attached as Exhibit "A" its proposed amended answer. (#16-1 Exhibit A). Defendant asserts that it is the manufacturer of subject boat, but that it "did not design or manufacture the subject boat ladder." (#16). Defendant argues that the "interests of justice warrant leave to file the attached amended [a]nswer because Brunswick has learned that GG Schmitt & Sons, Inc is the entity that supplied the boat ladder that is alleged to have caused [p]laintiff's injuries, if any." *Id.* Plaintiff does not oppose defendant's motion to file an amended answer (#16). (#17).

Pursuant to Federal Rule of Civil Procedure 15(a), "[a] party may amend its pleading once as a matter of course within...21 days after serving it," and "[i]n all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." "The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). The court finds it in the interest of justice to permit defendant to file the proposed amended answer (#16 Exhibit A), as defendant recently discovered that GG Schmitt & Sons, Inc. was the manufacturer of the alleged faulty ladder and plaintiff does not oppose the motion (#17). *Id.*

Accordingly and for good cause shown,

IT IS ORDERED that defendant Brunswick Corporation's Motion For Leave to Amend Answer to Assert Third Party Complaint (#16) is GRANTED.

IT IS FURTHER ORDERED that, on or before January 11, 2013, defendant must sign and file the proposed Amended Answer (#16 Exhibit A) with the court.

DATED this 27th day of December, 2012.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE